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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,056	07/31/2003	Priti Bavaria	AUS920030473US1	3503
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IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER IBRAHIM, MOHAMED	
			ART UNIT 2144	PAPER NUMBER
			MAIL DATE 08/08/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/631,056

Applicant(s)

BAVARIA ET AL.

Examiner

Mohamed Ibrahim

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claim 13, the claim is directed to a computer program embodied in a computer readable medium however, page 21 of the specification states that the computer readable may take in the form of transmission-type media such as radio frequency and light wave transmissions. These are forms of energy such as signals; therefore the claim is directed to non-statutory subject matter.

The rejection made to above independent claim (13), carries over and equally applies to their respective dependent claims.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-7, 9-13, and 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Kartozy, U. S. Patent No. 7024547.

Regarding claim 1, Kartozy discloses a method in a data processing system for identifying device configurations (see e.g. col. 2 lines 7-33; discovering and initializing device within a computer system during the booting), the method comprising: identifying unique identification information for a set of devices in the data processing system to form identified unique identification information (see e.g. col. 4 lines 17-43; memory devices has an associated reference identification data which is unique to each particular device); comparing the identified unique identification information with previously identified unique identification information (see e.g. col. 3 line 66-col. 4 line 16 and col. 4 lines 56-64; when the computer is booted it does a device discovery step which checks to ascertain or determine whether or not the configuration of the memory devices have changed using the reference identification data acquired during the previous boot); moving configuration data to a memory for devices in the set of devices in which a match exists between the identified unique identification information and the previously identified unique identification information for devices (see e.g. col. 4 line 64-col. 5 line 4; if the if the reference identification data of the device match, the system uses the reference initialization data to initialize the device); and obtaining configuration information from a device in which configuration information is absent in the memory after configuration data has been moved to the memory for the devices to form a current set of configuration data for the set of devices (see e.g. col. 4 lines 17-32 and col. 5 lines 5-9; when it is determined that the configuration has changed, a device discovery

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and initialization procedure is performed to obtain the reference data uniquely associated with that particular device).

Regarding claim 3, Kartoz discloses wherein the unique identification information is a unique device identifier (see e.g. col. 4 lines 37-38).

Regarding claim 4, Kartoz discloses wherein the current configuration data for the set of devices is stored in a set of files (see e.g. col. 5 lines 50-61).

Regarding claim 5, Kartoz discloses wherein the unique identification information is identified by reading the unique identification information from the set of devices (see e.g. col. 6 lines 4-9).

Regarding claim 6, Kartoz discloses wherein the previously identified unique identification information is stored in table associated with the configuration data for the set of devices (see e.g. fig. 9a and col. 4 lines 44-55).

Claim 7 list all the same elements of claims 1, but in system form rather than method form. Therefore, the supporting rationale of the rejection to claim 1 applies equally as well to claim 7.

Claims 9-12 list the same limitations as claims 3-6. Therefore, the supporting rationale of the rejection to those claims equally applies here.

Claim 13 list all the same elements of claims 1, but in computer program product form rather than method form. Therefore, the supporting rationale of the rejection to claim 1 applies equally as well to claim 13.

Claims 15-18 list the same limitations as claims 3-6. Therefore, the supporting rationale of the rejection to those claims equally applies here.

Claim 19 is substantially the same as claim 1 and is thus rejected for reasons similar to those in rejecting claim 1. Furthermore Kartoz discloses a bus system (see e.g. col. 3 lines 29-33), communication unit (see e.g. col. 2 line 26-29) a memory (see e.g. col. 6 line 50) and a processing unit (see e.g. col. 6 line 49).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 8, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kartoz in view of Zintel, U. S. Patent No. 6779004.

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Regarding claims 2, 8 and 14, Kartoz discloses the invention substantially as claimed. Kartoz does not explicitly disclose storing unique device identifiers in a random access memory (RAM). However, Zintel discloses system for auto-configuring of peripherals that stores unique device identifier in random access memory (see e.g. col. 44 lines 2-7 and col. 45 lines 49-54). At the time of the invention it would have been obvious to a person of ordinary skill in the art to store the reference unique identification of a device found in Kartoz using Random Access Memory (RAM). Motivation for doing so would have been obvious for the fact that RAM give computer the ability to find and go directly to the particular storage location without having to search sequentially from the beginning location. Especially it is useful in the initial program load in operating systems as it expedites the finding of configuration files of the connected devices.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2,6,8,12, 14,18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kartoz in view of Zintel and Further in view of Krejsa, U. S.

Application No. 2004/0107329 A1.

Although combination of Kartoz-Zintel disclose the invention substantially as claimed, they do not explicitly disclose indexing of memory table and diving the memory into a

different regions. Krejsa teaches a system for partitioning memory into different regions and having index field corresponding to pluralities of entries in the initialization table (see e.g. paragraphs [0004], [0020], [0022] [0024] and [0032]). At the time of the invention it would have been obvious to a person of ordinary skills in the art to combine the teachings of Kartoz-Zintel with that of Krejsa. Motivation for doing so would have been to easily distinguish and organize the configuration data stored in the memory by the regions associated and their index number.

### ***Response to Arguments***

8. Applicant's arguments filed 22 May 2007 have been fully considered but they are not persuasive.

9. In substance Applicant argues,

A) The 101 rejection applied to claims 13 is incorrect as the claim is directed to a statutory subject matter.

B) Kartoz does not teach moving configuration data to a memory to Match a device.

In response to Applicant's arguments A), Once again the Applicant's attention is directed to page 21 lines 10-16 on the instant application. In this section, Applicant gives example of computer readable media in various forms of energy. Particularly Applicant includes transmission-type media, radio frequency and light wave transmissions. These are obviously various type of energy (natural phenomena) as the



current practice of the Office, claims directed to light waves and such as are non-statutory subject matter. As far as the MPEP is concern, nowhere in the MPEP does it say that transmission-type media is statutory subject matter. Secondly, most of the quoted sections are talking about data structure where as the instant claim 13 is not. Lastly, the only one point about electrical signals being a physical states by the Arrhythmia court is directed to method steps that transform physical, electrical signals from one form into another. No transformation is recited in the instant claim 13 nor does it directed to a method that includes steps for enabling any sort of transformation. Thus, the 101 rejection applied in the previous action is maintained and Applicant's argument regarding this point is found not persuasive.

In response to Applicant's argument B) Applicant is reminded that claims are given their broadest reasonable interpretation in light of the specification. The prior art does teach the functionality of the recited limitation in claim 1. The claim language states 'moving configuration data to a memory'. Examiner is interpreting this phrase to mean, storing configuration data. And since Kartoz definitely teaches storing configuration data for memory devices during the determination process (see e.g. Fig. 3 col. 4 line 56-col. 5 line 52), this limitation is taught by Kartoz as currently claimed. As far as matching configuration to a device is concern, Kartoz does teach initialization procedure for multiple memory devices and comparing the configuration data for each device thus enabling matching configuration data to a particular device (see e.g. col. 2 lines 34-39, lines 63-67 and col. 4 lines 60-64). Therefore, Kartoz does teach matching configuration data with particular device as currently claimed.

Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art. As it is Applicant's right to continue to claim as broadly as possible their invention. It is also the Examiner's right to continue to interpret the claim language as broadly as possible thus it is advised that, in order to further expedite the prosecution of the application in response to this action, Applicant should amend the base claims to describe in more narrow detail the true distinguishing features of Applicant's claim invention.

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly defines the claimed invention.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior art.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

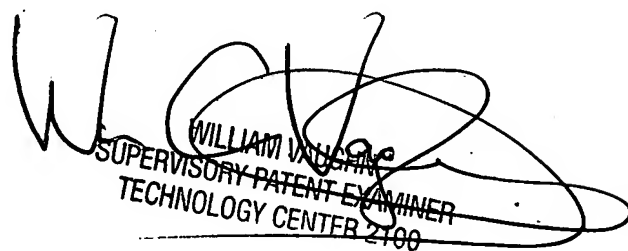
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Ibrahim whose telephone number is 571-270-1132. The examiner can normally be reached on Monday through Friday from 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn, Jr. can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MI/ mI

  
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